

AMENDED IN ASSEMBLY MARCH 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 787

Introduced by Assembly Member Soto

February 22, 2007

An act to amend Section ~~212~~ 626.10 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 787, as amended, Soto. Crime.

Existing law, subject to exceptions, makes it an offense to bring or possess specified weapons upon the grounds of, or within, any public or private school providing kindergarten or any of grades 1 to 12, inclusive.

This bill would expand the list of prohibited weapons to include metal knuckles, clubs or batons, blackjacks, slungshots, billys, sandclubs, saps, sandbags, and instruments that expel a nonmetallic BB or pellet, as specified.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law defines robbery as the felonious taking of personal property in the possession of another, from his or her person or immediate presence, and against his or her will, accomplished by means~~

of force, or fear of an unlawful injury to the person or property of the person robbed, or of any relative of his or hers or member of his or her family or, of an immediate and unlawful injury to the person or property of anyone in the company of the person robbed at the time of the robbery.

~~This bill would several technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 626.10 of the Penal Code is amended to
2 read:
3 626.10. (a) Any person, except a duly appointed peace officer
4 as defined in Chapter 4.5 (commencing with Section 830) of Title
5 3 of Part 2, a full-time paid peace officer of another state or the
6 federal government who is carrying out official duties while in
7 this state, a person summoned by any officer to assist in making
8 arrests or preserving the peace while the person is actually engaged
9 in assisting any officer, or a member of the military forces of this
10 state or the United States who is engaged in the performance of
11 his or her duties, who brings or possesses any dirk, dagger, ice
12 pick, knife having a blade longer than 2 ½ inches, folding knife
13 with a blade that locks into place, a razor with an unguarded blade,
14 *metal knuckles, clubs or batons, or any instrument or weapon of*
15 *any kind commonly known as a blackjack, slungshot, billy,*
16 *sandclub, sap, or sandbag, as defined in subdivision (a) of Section*
17 12020, a taser, or a stun gun, as defined in subdivision (a) of
18 Section 244.5, any instrument that expels a metallic ~~projectile such~~
19 ~~as a~~ or nonmetallic BB or a pellet, through the force of air pressure,
20 CO₂ pressure, or spring action, or any spot marker gun, upon the
21 grounds of, or within, any public or private school providing
22 instruction in kindergarten or any of grades 1 to 12, inclusive, is
23 guilty of a public offense, punishable by imprisonment in a county
24 jail not exceeding one year, or by imprisonment in the state prison.
25 (b) Any person, except a duly appointed peace officer as defined
26 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
27 2, a full-time paid peace officer of another state or the federal
28 government who is carrying out official duties while in this state,

1 a person summoned by any officer to assist in making arrests or
2 preserving the peace while the person is actually engaged in
3 assisting any officer, or a member of the military forces of this
4 state or the United States who is engaged in the performance of
5 his or her duties, who brings or possesses any dirk, dagger, ice
6 pick, or knife having a fixed blade longer than 2 ½ inches upon
7 the grounds of, or within, any private university, the University of
8 California, the California State University, or the California
9 Community Colleges is guilty of a public offense, punishable by
10 imprisonment in a county jail not exceeding one year, or by
11 imprisonment in the state prison.

12 (c) Subdivisions (a) and (b) do not apply to any person who
13 brings or possesses a knife having a blade longer than 2 ½ inches
14 or a razor with an unguarded blade upon the grounds of, or within,
15 a public or private school providing instruction in kindergarten or
16 any of grades 1 to 12, inclusive, or any private university, state
17 university, or community college at the direction of a faculty
18 member of the private university, state university, or community
19 college, or a certificated or classified employee of the school for
20 use in a private university, state university, community college,
21 or school-sponsored activity or class.

22 (d) Subdivisions (a) and (b) do not apply to any person who
23 brings or possesses an ice pick, a knife having a blade longer than
24 2 ½ inches, or a razor with an unguarded blade upon the grounds
25 of, or within, a public or private school providing instruction in
26 kindergarten or any of grades 1 to 12, inclusive, or any private
27 university, state university, or community college for a lawful
28 purpose within the scope of the person's employment.

29 (e) Subdivision (b) does not apply to any person who brings or
30 possesses an ice pick or a knife having a fixed blade longer than
31 2 ½ inches upon the grounds of, or within, any private university,
32 state university, or community college for lawful use in or around
33 a residence or residential facility located upon those grounds or
34 for lawful use in food preparation or consumption.

35 (f) Subdivision (a) does not apply to any person who brings an
36 instrument that expels a metallic ~~projectile such as a~~ or *nonmetallic*
37 BB or a pellet, through the force of air pressure, CO₂ pressure, or
38 spring action, or any spot marker gun upon the grounds of, or
39 within, a public or private school providing instruction in

1 kindergarten or any of grades 1 to 12, inclusive, if the person has
2 the written permission of the school principal or his or her designee.

3 (g) Any certificated or classified employee or school peace
4 officer of a public or private school providing instruction in
5 kindergarten or any of grades 1 to 12, inclusive, may seize any of
6 the weapons described in subdivision (a), and any certificated or
7 classified employee or school peace officer of any private
8 university, state university, or community college may seize any
9 of the weapons described in subdivision (b), from the possession
10 of any person upon the grounds of, or within, the school if he or
11 she knows, or has reasonable cause to know, the person is
12 prohibited from bringing or possessing the weapon upon the
13 grounds of, or within, the school.

14 (h) As used in this section, “dirk” or “dagger” means a knife or
15 other instrument with or without a handguard that is capable of
16 ready use as a stabbing weapon that may inflict great bodily injury
17 or death.

18 *SEC. 2. No reimbursement is required by this act pursuant to*
19 *Section 6 of Article XIII B of the California Constitution because*
20 *the only costs that may be incurred by a local agency or school*
21 *district will be incurred because this act creates a new crime or*
22 *infraction, eliminates a crime or infraction, or changes the penalty*
23 *for a crime or infraction, within the meaning of Section 17556 of*
24 *the Government Code, or changes the definition of a crime within*
25 *the meaning of Section 6 of Article XIII B of the California*
26 *Constitution.*

27 ~~SECTION 1. Section 212 of the Penal Code is amended to~~
28 ~~read:~~

29 ~~212. The fear mentioned in Section 211 may be either:~~

30 ~~(a) The fear of an unlawful injury to the person or property of~~
31 ~~the person robbed, or of any relative of his or hers or member of~~
32 ~~his or her family; or,~~

33 ~~(b) The fear of an immediate and unlawful injury to the person~~
34 ~~or property of anyone in the company of the person robbed at the~~
35 ~~time of the robbery.~~